

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD ROSS,

Plaintiff,

CASE NO. 24-CV-11766

-vs-

HON. ROBERT J. WHITE

CITY OF TROY;

PETER HULLINGER, Individually and in
his Official Capacity as the Troy Fire Department
Fire Chief;

MARK MILLER, Individually and in his Official
Capacity as the former Troy City Manager;

ROBERT BRUNER, Individually and in his Official
Capacity as the former Assistant City Manager and
Acting City Manager,

Defendants.

THE CORTESE LAW FIRM PLC
NANETTE L. CORTESE (P43049)
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ROSATI SCHULTZ JOPPICH &
AMTSBUECHLER, PC
CARLITO H. YOUNG (P61863)
MICHAEL T. BERGER (P77143)
Attorneys for Defendants
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Farmington Hills, MI 48331
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cyoung@rsjalaw.com
mberger@rsjalaw.com

DEFENDANTS' INITIAL DISCLOSURES

NOW COME Defendants, CITY OF TROY, PETER HULLINGER, MARK MILLER and ROBERT BRUNER, by and through their attorneys, ROSATI, SCHULTZ, JOPPICH & AMTSBUECHLER, P.C., and for their initial disclosures state as follows:

- (i) Name and, if known, the address and telephone number of individuals likely to have discoverable information, along with subjects of that information, that may be used to support the Defendants' defenses.**

Ed Ross, c/o Plaintiff's counsel

Subject matter: Expected to have information regarding the allegations in his complaint and his alleged damages.

Peter Hullinger, c/o Defense counsel

Subject matter: Expect to have information regarding Plaintiff's volunteer service with the City of Troy Fire Department and the City's response to Plaintiff running for office with the City.

Mark Miller, c/o Defense counsel

Subject matter: Expect to have information regarding Plaintiff's volunteer service with the City of Troy Fire Department and the City's response to Plaintiff running for office with the City.

Robert Brunner, c/o Defense counsel

Subject matter: Expect to have information regarding Plaintiff's volunteer service with the City of Troy Fire Department and the City's response to Plaintiff running for office with the City.

Any and all City of Troy Fire Department personnel Plaintiff discussed the changes in the incentive plan with.

Any and all persons who spoke at the April 17, 2023 City Council Meeting regarding the changes in the incentive plan, including but not limited to:

- Roy
- Jaime
- Peter Dungeon
- Mark Gup
- Rob Reed
- Rocky Witchowski
- Daniel Demoastro
- Elizabeth
- John Weezly
- Ron Griffith
- Patrick Durham
- Al Soriano
- Doug Hipping
- Dale Murich
- Debra Luzecky
- Barb Yagly

- (ii) **Copies – or description by location – of all documents, ESI, or tangible things the Defendants have in their possession, custody, or control, and may be used to support their defense.**

April 17, 2023 City of Troy City Council Meeting video, https://www.youtube.com/watch?v=efak_U-Vmxo, Def.

Excerpts from Plaintiff's Campaign Website, <https://ed4troy.com/>; Def 1-16

Excerpts from Plaintiff's Campaign Facebook, <https://www.facebook.com/edwardross4troy>; Def 17-34

Political Activity Policy; Def. 35

Ross Fire Department File; 36-77

Ross Guardian File; 78-92

E. Ross Forms & Petitions – 11-07-2023; 93-105

E. Ross Forms & Petitions – 08-06-2024; 106-116

- (iii) **Computation of Damages**

N/A

- (iv) **Inspection and copying of insurance agreements**

N/A. Defendants are covered through a municipal self-insurance pool. Self-insurance does not qualify for disclosure under the plain language of Fed. R. Civ. P. 26(a)(1)(A)(iv). That concept is reiterated by the Fed. R. Civ. P. 26 Committee Notes for the 1970 Amendment.

ROSATI SCHULTZ JOPPICH &
AMTSBUECHLER, P.C.

/s/ Michael T. Berger

MICHAEL T. BERGER (P77143)

Attorneys for Defendants

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Dated: October 30, 2024

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2024, the foregoing instrument was served upon all parties of record as disclosed by the pleadings herein via email, pursuant to agreement between counsel.

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

/s/ Sheila Bodenbach

Assistant to Michael T. Berger

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DEFENDANTS' FIRST DISCOVERY REQUEST TO PLAINTIFF

NOW COME Defendants, CITY OF TROY, PETER HULLINGER, MARK MILLER and ROBERT BRUNER, by and through their attorneys, ROSATI, SCHULTZ, JOPPICH & AMTSBUECHLER, P.C., and for their first discovery requests to plaintiff state:

INSTRUCTIONS

The information that is sought must be given under oath, whether it is secured by you, your agent, representative, or attorney, or any other person who has made this knowledge known to you or from whom you can get this information and who is competent to testify to the facts stated. The answers must be served upon the undersigned within Thirty (30) days after these Interrogatories are served upon you. These Interrogatories shall be deemed continuing, and supplemental answers shall be required immediately if you, directly or indirectly, obtain further or different information after the time your answers are served upon the undersigned and before the time of trial of this action.

If you cannot answer the following Interrogatories in full after exercising due diligence to secure the information to do so, please so state and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portions.

INTERROGATORIES

1. Identify each person answering these interrogatories by name, date of birth, current address.

ANSWER:

2. Provide the following personal identification information for yourself:

- (a) date of birth;
- (b) full name and any other name you have gone by,
including any nicknames;
- (c) Each address you have lived at for the past 10 years;
- (e) your social security number.

ANSWER:

3. Do you seek damages for any physical condition, psychological condition, mental condition, or emotional condition, including any exacerbation or aggravation of a pre-existing condition? If so:

- (a) Identify the physical condition, psychological condition, mental condition, or emotional condition;
- (b) Identify by name, address, and phone number any medical, psychological, psychiatric, or counseling professional, firm, or group you have sought treatment with;
- (c) For any entity or professional firm, or group identified in subsection (b), please identify the approximate dates of treatment, consultation, or services you received.

ANSWER:

4. If you answered interrogatory number 3 in the affirmative, please identify any health insurance policies you have been covered by in the past 10 years by stating:

- (a) The name of the person under whose policy you were covered;
- (b) The name and address of each company that provided you and the covered person health insurance;
- (c) The policy number, group number, member number, or other identification information for each policy;
- (d) Identify the dates of coverage under each policy.

ANSWER:

5. Identify each of your employers over the past 10 years by name, address, and phone number.

ANSWER:

6. Have you, or anyone on your behalf, ever applied for governmental benefits (e.g. Social Security Disability, Social Security Insurance, Medicare, Medicaid, food-stamps/EBT, unemployment insurance, etc.) ? If so:

- (a) Identify yourself as the applicant or identify the name, address, and phone number of the person(s) that applied for the benefits on your behalf;
- (b) The name of the agency or entity with which benefits were applied for;
- (c) The date or dates on which benefits were applied for;
- (d) For each application, a detailed description of why benefits were applied for, including the identification of any medical conditions, including psychological conditions, that you contend supported the application;
- (e) The name, address, and phone number of any attorney who assisted with the application and any proceedings arising out of the application; and,
- (f) The final disposition of each application with each agency or entity.

ANSWER:

7. Have you ever been involved in any other legal action, either as a defendant, a plaintiff, or a party? If so:

- (a) State the date and place each action was filed;
- (b) State the name of the court(s) involved;
- (c) State the names of the parties involved;
- (d) State the court case number;
- (e) State the names of the attorneys representing each party;
- (f) Provide a description of the nature of each cause of action;
- (g) State the final result of each such action.

ANSWER:

8. Have you been arrested in the past 15 years? If so, for each arrest:
- (a) Identify by name, address, and phone number, the arresting agency;
 - (b) Identify the basis for the arrest;
 - (c) State whether you were charged with a crime. If so:
 - (i) Identify the Court(s) that presided over the case;
 - (ii) Identify the case number(s) for the case;
 - (iii) Identify the final disposition of the case;
 - (iv) State whether you spent time incarcerated and/or detained and, if so, identify the locations by name and address where you were incarcerated and/or detained, as well as the dates during which you were in custody.

ANSWER:

9. Please state the name, address, and telephone number of every person who witnessed the incident complained of in your Complaint, arrived at the scene at any point after the incident complained of in your Complaint, or has any other information regarding that incident and/or your damages arising from that incident. For each such person, please state:

- (a) The nature and substance of that person's knowledge concerning either the incident or the damages suffered; and
- (b) The relationship of that person to any of the parties in this case, if any.

ANSWER:

10. Please identify every person whom you anticipate calling as a witness at trial; state that person's name, address, and telephone number; and provide a detailed summary of that person's expected testimony.

ANSWER:

11. Please state the name and the present address of any expert with whom you have consulted about any aspect of this case or whom you expect may be called as a witness on your behalf at the trial of this matter. Please note that this request includes not only persons who you have retained to provide expert testimony, but also non-retained persons (including treating physicians) from whom you expect to elicit expert testimony from at trial. For each such person, please state:

- (a) In summary, their qualifications as an expert, including with your answer his or her curriculum vitae, if available;
- (b) The nature and subject matter of that expert's expected testimony, including each and every opinion which the expert is expected to give at trial;
- (c) With specificity the basis for each opinion to be rendered by the expert, including the items reviewed by the expert, any materials relied upon by the expert, or other items relevant to the framing of the expert's opinion.

ANSWER:

12. Please identify each and every document or other evidence of any kind on which you will rely at trial in support of your claims in this case. For each such item, please state:

- (a) A complete description of the item and where it was obtained from; and
- (b) Please attach a copy of that item to these Interrogatories.

ANSWER:

13. Have you used social media in the past 7 years (this includes any personal, public, campaign, or business pages you operate)? If so:

- (a) Identify the platform (e.g. Facebook, Instagram, Twitter, YouTube, LinkedIn, TikTok);
- (b) Identify the username(s), handle(s), or other identifier you used for each platform. If you have had multiple accounts under one platform, list all of the usernames or handles you used. This request also includes any business social media accounts you used;
- (c) State the approximate dates of use for each social media account you have used; and
- (d) State whether the account has been closed and, if so, identify the date it was closed and describe why it was closed.
- (e) Identify which of the platforms you made posts or comments about your campaign or the changes in the volunteer firefighter incentive plan, including the dates of each such post or comment.

ANSWER:

14. Identify the web address for any webpages you operate, such as any campaign pages you operate.

ANSWER:

REQUESTS TO PRODUCE

1. If you answered interrogatory #3 in the affirmative, please provide authorizations for the release of the following:

- (a) Any and all medical, psychological, psychiatric, or counseling professional, firm, or group identified in response to interrogatory #3.
- (b) Any and all health insurance providers identified in response to interrogatory #4.

ANSWER:

2. Please produce copies of any and all social media posts you have made on any platform regarding your campaigns for office and the changes in the volunteer fire fighter incentive plan.

ANSWER:

3. Produce any and all photographs, audio, or video you or your attorneys have that in any way relate to the incident which is the subject of this litigation. Produce any responsive items in their native format.

ANSWER:

4. Produce any and all witness statements that relate to the incident alleged in your complaint or damages you seek in your complaint.

ANSWER:

5. Produce any and all correspondence (e.g., text messages, emails, direct messages, letters) that you have had with anyone related to the incident alleged in your complaint (i.e., your campaigns and your views on the changes in the volunteer incentive plan). If you assert any responsive material to this request is privileged, produce that material with the purportedly privileged portion redacted and produce a privilege log identifying the date of the correspondence, the type of correspondence (e.g. text message), to whom the correspondence was directed or received from, the privilege asserted as to that specific correspondence, and a description sufficient enough to support your assertion of privilege without disclosing the contents of the material.

ANSWER:

6. Produce any and all diaries, journals, notes, social media posts, or blogs that you have prepared or created that relate to the incident alleged in your complaint (i.e. your campaigns and your views on the changes in the volunteer incentive plan).

ANSWER:

7. Produce a copy of any and all records or documents you, or your counsel, have FOIAed or subpoenaed from any entity, agency, or individual that relate to the allegations identified in your Complaint.

ANSWER:

8. Produce any financial or account statements for any monies you received as a result of the City of Troy changing its volunteer fire fighter incentive plan.

ANSWER:

9. Produce a copy of any and all documents and/or any other tangible evidence which you may rely upon as evidence at the time of trial, or for any other purpose in this matter.

ANSWER:

10. Produce a copy of any and all documents and/or any other tangible evidence your retained experts relied upon in coming to any of their opinions.

ANSWER:

11. Produce a copy of the CV for every witness you plan to call as an expert witness at trial.

ANSWER:

I DECLARE THAT THE ABOVE AND FOREGOING ANSWERS ARE TRUE, COMPLETE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Edward Ross

Sworn to before me this
_____ day of _____, 2024.

Notary Public, _____ County, MI
My Commission Expires: _____

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER, P.C.

/s/ Michael T. Berger P77143

Attorneys for Defendants
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Dated: October 30, 2024

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2024, the foregoing instrument was served upon all parties of record as disclosed by the pleadings herein via email, pursuant to agreement between counsel.

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

/s/ Sheila Bodenbach
Assistant to Michael T. Berger